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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,855	04/02/2001	Alex Holtz	1752.0130001	7187

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EXAMINER

ROSWELL, MICHAEL

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 02/06/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application

09/822,855

Applicant(s)

HOLTZ ET AL.

Examiner

Michael Roswell

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

Claim 2 contains the trademark/trade name TELEPROMPTER. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe "teleprompting means" and, accordingly, the identification/description is indefinite.

Claim 12 objected to because of the following informalities: the claim fails to terminate with the proper punctuation mark. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "automated video production means" in the last line of the claim. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 11, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Hunt (U.S. Patent 6,084,581).

In regards to claims 1, 11, and 13, Hunt teaches the production of a show in a video production environment having a processing unit in communications with a plurality of video production devices (Column 1, Lines 52-61). Hunt's teaching describes the receiving of a show rundown (Column 1, Lines 62-64), wherein the show rundown is the plurality of selected news stories, or "video segments", selected from a story bin (Columns 1-2, Lines 65-67, 1) wherein the story bin is a server holding video data. Hunt then converts the show rundown into broadcast instructions formatted for being executed on an automated video production system (Column 3, Lines 32-39),

Art Unit: 2173

where the broadcast instructions are the ordered subset of video segments upon their transfer from the video file server to a video recorder.

In regards to claim 2, Hunt describes the use of the word "video" (Column 3, Lines 1-3), which thus equated the video recorded by Hunt's teaching of both a script (being only visual data) and a graphic effect. Hunt further describes the display of such media on a teleprompting means, in this case, a monitor (Column 1, Lines 22-25).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-6, 8, 12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt and Kenny (U.S. Patent 6,437,802).

In regards to claims 3, 12, and 14, Hunt has been shown *supra* to teach the production of a show in a video production environment having at least one processing unit in communications with a plurality of video production devices that receives a show rundown made up of a plurality of news stories (video segments) selected from a story bin (a video data file server). Hunt teaches to convert the show rundown into broadcast instructions to be executed on an automated video production system by the creation of a video product on a portable video storage medium (Column 3, Lines 35-36).

However, Hunt does not teach the monitoring of inter-file activity and synchronizing of the show rundown with the broadcast instructions.

Kenny teaches monitoring the inter-file activity and synchronizing the show rundown with the broadcast instructions where the monitoring of inter-file activity is the checking of received commands to determine their nature (Column 4, Lines 6-7), and the synchronizing of the show rundown and the broadcast instructions is the immediate reception of an incomplete schedule that begins executing while later events in the play list are still being processed (Column 3, Lines 28-38). It is inherent that in order for Kenny to receive changes to the instructions in real time synchronization of events is required.

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to modify the video product creation process with the inter-file activity monitoring and command interleaving of Kenny in order to obtain a video production environment that produces a show through the selection and maintenance of video segments in a play list (show rundown), converts the play list into broadcast instructions, and monitors inter-file activity and synchronizes the play list with the broadcast instructions.

One would be motivated to utilize such a combination, as a video production environment with immediate airplay of video segments, the ability to edit the play list in real time, and the performing of play list operations during and after the loading of the play list and its segments would have been obtained. See Kenny, Column 1, Lines 45-61.

In regards to claims 4, 5 and 8, Hunt has been shown *supra* to teach the production of a show in a video production environment having at least one processing unit in communications with a plurality of video production devices that receives a show rundown made up of a plurality of news stories (video segments) selected from a story bin (a video data file server). Hunt teaches to convert the show rundown into broadcast instructions to be executed on an automated video production system by the creation of a video product on a portable video storage medium (Column 3, Lines 35-36). Hunt and Kenny have been shown *supra* to monitor inter-file activity (Kenny, Column 4, Lines 6-7) and synchronize the show rundown with the broadcast instructions (Kenny, Column 3, Lines 28-38).

The difference between Hunt and the claim is that Hunt fails to disclose the periodical polling of the show rundown to detect inter-file modifications and update the broadcast instructions with the inter-file modifications to implement synchronization.

Kenny teaches a "throttler" for the interleaving of play list loads and edits present in a broadcast automation system that is similar to Hunt's system for creating a customized video product. Kenny discloses "Fill" and "Drain" methods for accepting editing commands and executing the commands (Column 3, Lines 53-59). The "Drain" method detects editing commands at a specified time interval (Column 4, Lines 33-37).

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The "Drain" function delivers the commands to the broadcast automation system while maintaining the synchronization of tasks (Column 3, Lines 54-59).

Therefore, it would have been obvious for one of ordinary skill in the art, having the teachings of Hunt and Kenny before him at the time of the invention, to modify the system of customized video products of Hunt to include the synchronization system for an automated broadcast of Kenny to obtain a system capable of creating a customized video product wherein editing commands can be entered, read, and processed while allowing the program to function uninterrupted.

One would be motivated to utilize such a combination, as a video production environment with immediate airplay of video segments, the ability to edit the play list in real time, and the performing of play list operations during and after the loading of the play list and its segments would have been obtained. See Kenny, Column 1, Lines 45-61.

In regards to claim 6, Hunt has been shown *supra* to teach the production of a show in a video production environment having at least one processing unit in communications with a plurality of video production devices that receives a show rundown made up of a plurality of news stories (video segments) selected from a story bin (a video data file server). Hunt teaches to convert the show rundown into broadcast instructions to be executed on an automated video production system by the creation of a video product on a portable video storage medium (Column 3, Lines 35-36). Hunt and Kenny have been shown *supra* to monitor inter-file activity (Kenny, Column 4, Lines 6-7), synchronize the show rundown with the broadcast instructions (Kenny, Column 3, Lines 28-38), detect inter-file modifications through polling (Kenny, Column 4, Lines 33-

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37), and update broadcast instructions with the modifications (Kenny, Column 3, Lines 54-59).

The difference between Hunt and the claim is that Hunt does not teach to update only an unexecuted portion of the broadcast instructions upon detection of an inter-file modification.

Kenny teaches a "throttler" for the interleaving of play list loads and edits present in a broadcast automation system that is similar to Hunt's system for creating a customized video product. Kenny also discloses a method by which commands that are nearer to a specified completion time are pushed ahead to the top of a priority queue (Column 4, Lines 36-38). In this way Kenny allows for the immediate update of all commands relating to unexecuted broadcast instructions.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Hunt and Kenny before him at the time of the invention, to modify the system of customized video products of Hunt to include the synchronization system for an automated broadcast of Kenny where unexecuted portions of the broadcast instructions are updated to obtain a system capable of creating a customized video product wherein editing commands are updated for unexecuted portions of a broadcast instruction list.

One would be motivated to make such a combination because completing edit operations for unexecuted instructions allows for the removal of unnecessary edits. See Kenny, Column 1, Lines 48-50.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt and Kenny as applied to claims 3-6, 8, 12, and 14 above, and further in view of Tao et al (U.S. Patent 6,441,832).

Hunt and Kenny have been shown *supra* to teach the production of a show in a video production environment having at least one processing unit in communications with a plurality of video production devices that receives a show rundown made up of a plurality of news stories (video segments) selected from a story bin (a video data file server). Hunt teaches to convert the show rundown into broadcast instructions to be executed on an automated video production system by the creation of a video product on a portable video storage medium (Hunt, Column 3, Lines 35-36). The two also monitor inter-file activity (Kenny, Column 4, Lines 6-7), synchronize the show rundown with the broadcast instructions (Kenny, Column 3, Lines 28-38), detect inter-file modifications through polling (Kenny, Column 4, Lines 33-37), and update broadcast instructions with the modifications (Kenny, Column 3, Lines 54-59). Hunt and Kenny combine to teach the update of an unexecuted portion of the broadcast instructions (Kenny, Column 4, Lines 36-38).

The difference between the claim and the teachings of Hunt and Kenny is the claims recite the tailoring of the broadcast instructions to not exceed a specified time.

Tao et al teach the production, modification, and deletion of a play list of video and audio files similar to the system for creating a customized video product of Hunt and the broadcast automation system that the "throttler" of Kenny operates on. Tao et al further teach the adjustment of broadcast instructions through the use of a "browse"

Art Unit: 2173

button that outputs a selected play list for a predetermined period of time (Column 12, Lines 15-17).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Hunt, Kenny, and Tao et al at the time of the invention, to modify the synchronized custom video product apparatus from the combination of Hunt and Kenny to include the predetermined execution time of Tao et al to obtain a custom video production apparatus with synchronized event updating where the broadcast instructions are executed for only a predetermined time.

One would be motivated to make such a modification for the advantage of strict output length control for enhanced management of clips. See Tao et al, Column 1, Lines 17-23.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt and Tao et al.

Hunt has been shown *supra* to teach the production of a show in a video production environment having at least one processing unit in communications with a plurality of video production devices that receives a show rundown made up of a plurality of news stories (video segments) selected from a story bin (a video data file server). Hunt teaches to convert the show rundown into broadcast instructions to be executed on an automated video production system by the creation of a video product on a portable video storage medium (Column 3, Lines 35-36).

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The difference between the Hunt reference and the claim is that Hunt does not disclose a broadcast element file used to link a group of video production commands to each news story file.

Tao et al teach the production, modification, and deletion of a play list of video and audio files similar to the system for creating a customized video product of Hunt. Furthermore, Tao et al disclose the ability to create several play list files, while retaining the ability to edit each one in real time (Columns 15-16, Lines 60-67, 1).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Hunt and Tao et al before him at the time of the invention, to modify the created show of Hunt by utilizing the multiple play lists of Tao et al to obtain a show where each individual video file has its own sets of commands controlled by a play list.

One would have been motivated to make such a combination because of the ease of use obtained by working with each story file individually. Each play list file can be composed in any general order, and played back later in an order more conducive to the user's liking. See Tao et al, Column 16, Lines 2-6.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt and Tao et al as applied to claim 9 above, and further in view of Petelycky et al (U.S. Patent 6,204,840).

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Hunt has been shown *supra* to teach the production of a show in a video production environment having at least one processing unit in communications with a plurality of video production devices that receives a show rundown made up of a

plurality of news stories (video segments) selected from a story bin (a video data file server). Hunt teaches to convert the show rundown into broadcast instructions to be executed on an automated video production system by the creation of a video product on a portable video storage medium (Column 3, Lines 35-36). Furthermore, Tao et al disclose the ability to create several play list files, while retaining the ability to edit each one in real time (Columns 15-16, Lines 60-67, 1).

Hunt and Tao et al do not teach to populate the broadcast instructions with icons formatted to instruct the system to execute production commands, and associate a group of icons with a broadcast element file.

Petelycky et al disclose a method for arranging and ordering media, similar to Hunt's video production environment, where the media is represented iconically. In addition, Petelycky et al teach icons formatted to instruct the system to execute video production commands (Columns 11-12, Lines 65-67, 1-3), and associating the icons with a broadcast element file (Column 5, Lines 31-40).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Hunt, Tao et al, and Petelycky et al before him at the time of the invention, to modify the video production environment with a plurality of news story files of Hunt and Tao et al to include the video production icons of Petelycky et al, in order to obtain a video production environment composed of several news story files, each composed of video production commands associated with a broadcast element file, wherein broadcast instructions are represented iconically in the video production environment and in the broadcast element file.

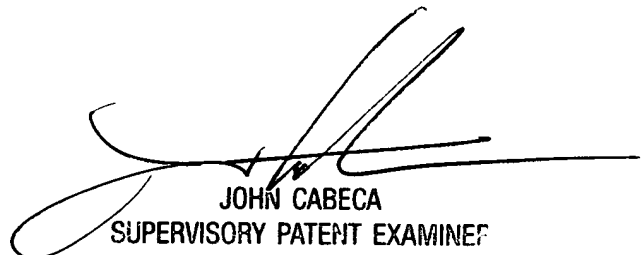
One would be motivated to make such a combination because of the nature of icons and iconic clues to be more quickly and easily identifiable than text, and the ability to easily manipulate icons in a graphical user interface. See Petelycky et al, Column 12, Lines 4-7.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (703) 305-5914. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

Michael Roswell  
1/20/2004



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